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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,897	04/04/2000	Jerry H. Chisnell	FTP141A US	5716
21133 7590 11/21/2007 VAN OPHEM & VANOPHEM, PC REMY J VANOPHEM, PC 51543 VAN DYKE SHELBY TOWNSHIP, MI 48316-4447			EXAMINER PATEL, VISHAL A	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 11/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/542,897

Applicant(s)

CHISNELL, JERRY H.

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Garipey et al (US. 5,355,961).

Garipey discloses a composite sleeve seal comprising a cylindrical body having an outside diameter (37), an inside diameter (35), one end portion (end having near 61) and an opposition end portion (end near 23) defining a tapered portion (tapered portion that is capable of being engaged by 25) along the outside diameter of the cylindrical body, the one end portion of the cylindrical body further defining at least one collar section (see attached drawing) having the inside diameter and the outside diameter, at least one link segment (see attached drawing)

extending between the one end portion and the tapered portion of the cylindrical body, the link segment having an outer diameter smaller than the outside diameter of the cylindrical body and an inner diameter greater than the inside diameter of the cylindrical body to define a first annular outer groove (groove having 45) between the collar section and the tapered portion and a second annular inner groove (groove having 43) between the collar section and the tapered portion, at least one seal portion (45) mounted in the first annular outer groove, at least one second seal portion (43) mounted in the second annular inner groove and the at least one seal portion and the at least one second seal portion further mounted contiguous the one end portion of the cylindrical body and the opposite end portion defining the tapered portion and surrounding the at least one link segment to interlock the at least one seal portion and the at least one second seal portion with the cylindrical body portion to form the composite sleeve seal as one integral component. The one end portion of the cylindrical body defining a plurality of collar sections (plurality of collar defined in attached drawing) spaced apart from one another to define at least one gap therebetween, the plurality of collar sections being interconnected by at least one link segment spanning the at least one gap (link segments defined between each of the collars), each of the at least one link segments having an outer diameter smaller than the outside diameter of the cylindrical body and an inner diameter greater than the inside diameter of the cylindrical body to define a first annular outer groove (groove holding 45 and groove holding 41) and a second annular inner groove (groove holding 43 and 39) between each of the plurality of collar sections, a first resilient seal member (45 and 41) mounted in the first annular outer groove, a second resilient seal member (43 and 39) mounted in the second annular inner groove, the first and second resilient seal members further mounted contiguous each the plurality of collar sections

and surrounding each of the at least one link segments to interlock the first resilient seal member and the second resilient seal member with the cylindrical body portion to form the composite sleeve as one integral component.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gariepy in view of Boehm Jr. et al (US. 5,456,314)

Gariepy discloses the invention substantially as claimed above but fails to disclose that the cylindrical body is made of plastic. Boehm discloses a seal for a wellhead housing that is formed of plastic or metal (metal in figure 1 and plastic in figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the cylindrical body of Gariepy to be made of plastic as taught by Boehm, since having a seal for a well be made of metal or plastic is consider to be art equivalent.

6. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gariepy and Boehm as applied to claims 18 and 20 above, and further in view of Thompson (US. 2,809,060).

Gariepy and Boehm discloses the invention substantially as claimed above but fails to disclose that the link segments comprises at least three reinforcement members (members similar to 30 of applicants) to interconnect the plurality of collar sections together. Thompson teaches a

seal to have reinforcement members that extend axially and are embedded in the seal (16 embedded in seal 15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the composite sleeve seal of Gariepy and Boehm to have reinforcement members as taught by Thompson to provide strength to the sleeve member when it is made of plastic (inherent teaching of or purpose of a reinforcement member).

Gariepy, Boehm and Thompson disclose the invention substantially as claimed above but fail to disclose three reinforcement members are 102 degrees apart. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the reinforcement members into three pieces and have the members to be 120 degrees a part, as a matter of design choice.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

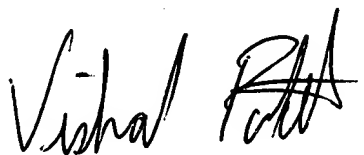
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
November 17, 2007

A handwritten signature in black ink, appearing to read "Vishal Patel", with a stylized flourish at the end.

Vishal Patel  
Patent Examiner  
Tech. Center 3600

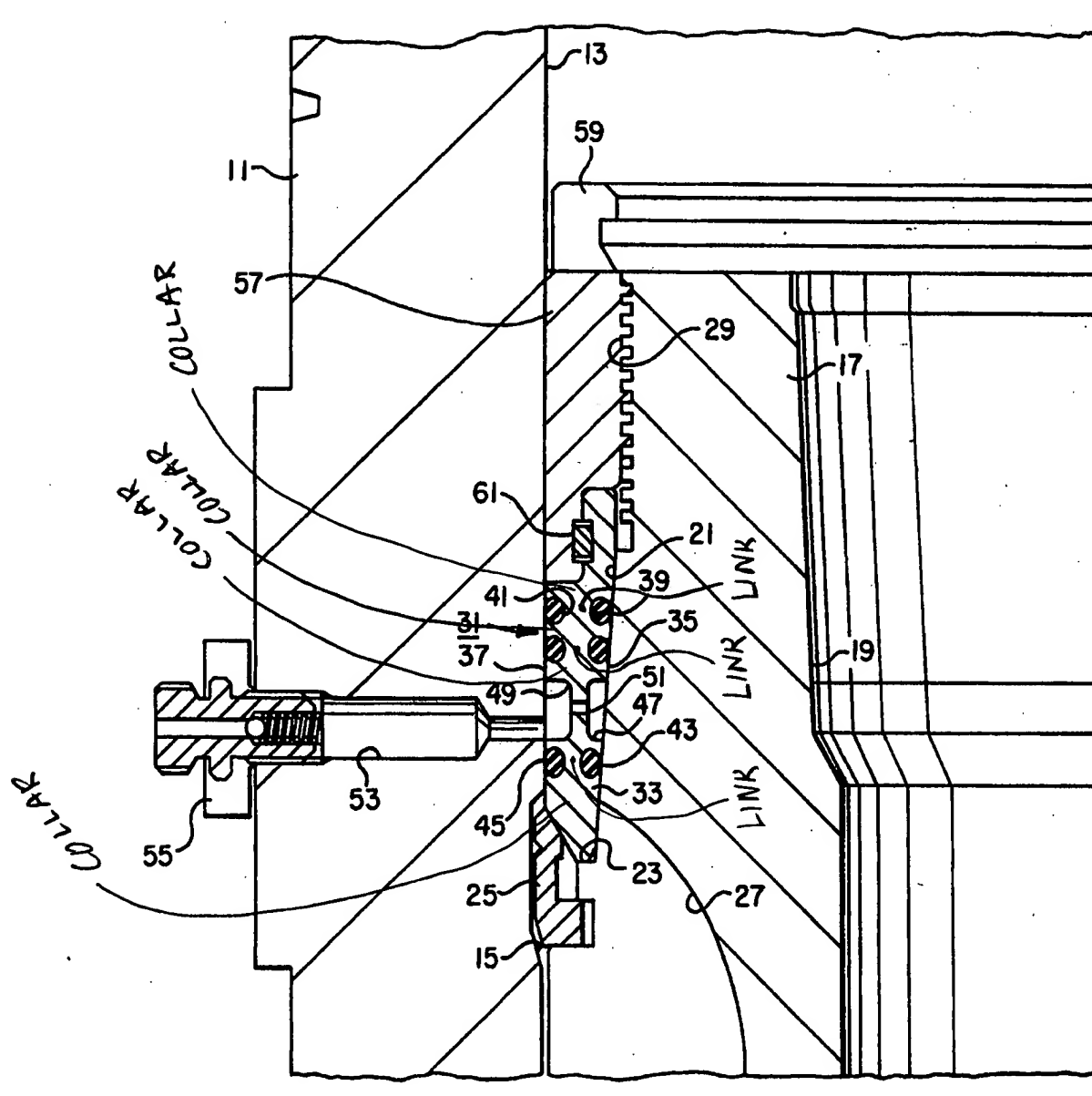


FIG. 1